

Hello Mr Chairman, Thank you for giving me the opportunity to comment.

My name is Dave Kesler. I live with my 7yr old daughter on our family's ranch in Philipsburg. My daughter is the 4th generation there and attended Kindergarten in the same room as her Grandfather and across the hall from where I did. I was awarded full custody of her in October of 2017. Reason #75 of 103 in the Finding of Facts of the divorce states that Mom had sent nude pictures of our then 3yr old daughter to a mechanic. This, among countless other alarming reports was never investigated by CPS. Mom almost immediately appealed the Custody ruling to the Supreme Court and lost her appeal. I have no criminal history, no drug or alcohol use ever, 4 years of college, and am active in my church and community.

I took my daughter and left her Mother after she stopped taking her anti-psychotic meds and tried to shoot me. Over the last 7 years I've been threatened by a CPS supervisor with arrest if I didn't get my daughter from Philipsburg to Anaconda within the hour to be interviewed regarding abuse by Mom, threatened that my parental rights would be terminated and I'd never see my daughter again if I didn't leave during another interview, told by CPS that I have no rights to contest or appeal anything they do, that I'll never see the reports or investigations, and that I am an unfit parent because I did not agree. State law contradicts what I was told.

During our divorce CPS filed a "Temporary Investigative Authority". Through intimidation and threats toward my attorney and I, CPS was granted the TIA uncontested, and immediately modified our parenting plan and relocated my daughter and her Mother to Roundup, against existing Judge's orders that our daughter not be removed from the county. I was told by the CPS worker that the reason for the TIA was, "We just want to see what it will take to help get Mom moved to Roundup. Her boyfriend is there and she doesn't want to live that close to you." During this TIA there was a Guardian Ad Litem appointed by CPS for my daughter. She never met any of the parties involved, she did no interviews, and gathered no information outside of what she was given by CPS. She was not consulted or even aware that CPS had moved my daughter until I contacted her 2-3 weeks later. Minutes before the TIA findings hearing CPS withdrew their TIA stating they found no reason for the TIA. I was left helpless to defend my daughter, with no recourse. Because of their withdrawal there was no longer a case to contest, but their goal was accomplished. During a TIA, CPS has authority to investigate but not authority to relocate a parent or child as they did in our case.

I contacted the Ombudsman's office, who responded appropriately. Their office requested meetings with the CPS supervisor. All attempts to meet were refused, stating she didn't have to explain anything to me or anyone else. The Ombudsman concluded her investigation stating that I had been severely discriminated against and that CPS had intentionally mishandled the investigations to favor mom.

Most of the CPS investigations were reported by law enforcement or mandatory reporters and have ranged from unexplained, lacerations, burns, severe bruising, smashed off finger and toe nails, concussion, emergency hospitalizations, but most alarming, at 5yrs old she was instructed by her Mother to shoot herself in the head and commit suicide. This suicidal instruction was substantiated by two separate CPS in-person interviews, a forensic video interview at the County Attorney's request, 2 private LCSW counselors, and Karl Rosston, the Suicide prevention coordinator for the DPHHS. In the video interview, which I have with me, my little girl said, "Mommy told me to get a gun out of Daddy's safe, put it right here, touching her forehead, and push the trigger." CPS blew it all off, made excuses and refused my access to the report findings. I was told by the director of DPHHS that I am not allowed to see the report, and to hire an attorney if I didn't like her answer. State law again contradicts what I was told.

Despite overwhelming evidence of abuse and neglect CPS has not helped my little girl. I've met some very good CPS investigators who said investigations were decided by their higher-ups, sometimes before completion. I've been told through tears that they felt horrible they could not help my little girl and they were quitting CPS because of the bureaucracy but would gladly testify on her behalf if needed.

During our last experience in court, the District Judge said at the pretrial hearing, and I quote, "I heard something about Mom or her friend putting the little girl up to killing herself but there's been about 27 investigations by DPHHS and none have been substantiated!" At the hearing he said, "There's a big cat/griz swaray at the courthouse in Anaconda tomorrow and if I have to hear this case I'm going to miss it, so I'm not going to hear the case. You've got 2 hours to sort it out, mediate it yourselves or Mom get's half the summers!" So, instead of Mom possibly losing her parental rights she gained more visitation and opportunity to hurt our daughter because the judge is so sick of CPS not doing their job.

I urge you, at the very least to give the Ombudsman and the DOJ the authority they need to put checks and balances into the CPS system by making the botched investigations public. CPS has to be held accountable for their bad-faith actions and their bad-actors need to be removed. I pray that I don't come back to tell you how CPS's failures have cost my daughter her life.

If there are any questions I'd be glad to answer them and if anyone would like more details or to contact me, please don't hesitate.

Thank you for your time.

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